

## REMARKS

The present application includes pending claims 1-31, all of which have been rejected. Claims 1, 8, 16, 18 and 25 have been amended.

Claims 18-24 stand rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 7,065,778 ("Lu"). Claims 1-17 and 25-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of U.S. 2004/0243671 ("Needham"). Without conceding that Lu or Needham qualify as prior art under 35 U.S.C. 102(e), the Applicants respectfully traverse these rejections for at least the reasons previously discussed during prosecution and the following:

### **I. Lu Does Not Anticipate Claims 18-24**

The Applicants first turn to the rejection of claims 18-24 as being anticipated by Lu. Lu "relates to the field of utilizing personalized video recorders and other similar types of devices to distribute television programming." *See* Lu at column 1, lines 7-11. In particular, Lu discloses a system in which a user is able to record a show that is transmitted in another broadcast area. *See id.* at Abstract.

For example, Lu describes the following:

Specifically, personalized video recorder 200 is coupled to the Internet 302 such that it can receive an electronic programming guide (EPG) containing worldwide television programming from an EPG server computer 304. The user of personalized video recorder 200 utilizes the EPG to request delivery of a specific television show that may not be available to him or her. Upon reception of the request from personalized video recorder 200, EPG server computer 304 locates via Internet 302 one or more personalized video recorders... situated within a broadcast region of the requested television show. Subsequently, EPG server computer 304 programs one or more personalized video recorders... to record the requested television show when it is

broadcast by a television content provider.... Once the personalized video recorders... record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requested personalized video recorder 200. In this manner, the present embodiment enables personalized video recorder 200 to order and receive specific television shows that are unavailable from its television content provider....

Lu at column 6, lines 39-61. Thus, Lu discloses a system in which a user sends a recording request that is received by a server computer via the Internet. The server computer then arbitrarily locates a recorder within the broadcast region of the show, and then sends the recorded show back to the requesting user.

Claim 18 recites, in part, “a closed and secure communication network, wherein the media is delivered from the first storage to the television via the closed and secure communication network.” Lu does not describe, teach, or suggest such a limitation. Indeed, Lu fails to make any mention of the use of a closed network, of authentication or authorization of those gaining access, or of anything describing a secure network. Lu also fails to mention any any reason to close the network of PVRs or to secure the communication. Lu offers no teaching with respect to securing or closing such a network. Lu is simply silent in this regard. Instead, Lu **arbitrarily** locates a PVR in a broadcast area to record a show for a PVR in another broadcast area over **an open communication network** (e.g., the Internet). Thus, Lu does not anticipate claims 18-24 for at least this reason.

A previous Office Action states the following:

[The Applicants argue that] Lu does not teach “a closed and secure communication network, wherein the media is delivered from the first storage to the television display via the closed and secure communication network,”

In response to applicant's argument, all the PVRs are managed by the EPG server, which forms closed and secure communication network among all the PVRs and servers (see figure 4 and Col 8 lines 31-46, **all the PVRs are registered within the same TV network and monitored under the EPG server**, the TV network is viewed as a "closed and secure communication network", and all the requests are broadcasted within this TV network).

See February 4, 2008 Office Action at page 3 (emphasis in original). As shown above, the only support the Office Action cites for the statements above is **Lu at Figure 4 and column 8, lines 31-46**. See also May 7, 2008 Office Action at page 3. The Applicants note that the Office Action makes a number of statements regarding what Lu allegedly discloses, but does not offer any additional citations from Lu to support these statements.

Regardless, as **specifically disclosed in Lu**, "EPG server computer 304 locates via Internet 302 one or more personalized video recorders (e.g., 200A and/or 200B) situated within a broadcast region of the requested television show." See Lu at column 6, lines 43-50. The Applicants respectfully submit that **arbitrary location of PVRs via the Internet within a sprawling broadcast region of a television show is by no means a "closed and secure communication network,"** as recited in claim 18.

Further, as noted above, the current Office Action cites **Lu at column 8, lines 31-46** as disclosing a "closed and secure communication network." See May 7, 2008 Office Action at page 3. This portion of Lu states, however, the following:

It is appreciated that network 400 of FIG. 4 may be modified by enabling it to operate **with any type of media content (e.g., audio, video, graphics, information, data, software, and/or the like) in any type of format**. For example, the television content providers (e.g., television head-ends 306 and 308) may be substituted with any type of media content providers. Additionally, the EPG server computer 304 may be modified such that its EPG provides a management system to personalized video

recorders (e.g., 200 and 200C) for any type of media content. Furthermore, the EPG server computer 304 may also be modified such that it does not provide an EPG to personalized video recorders (e.g., 200 and 200C), but instead provides them a different type of management system for any type of media content. Moreover, the cache server 402 may be modified such that it operates with any type of media content.

Lu at column 8, lines 31-36 (emphasis added). Modifying a network to enable it “to operate with any type of media content,” as disclosed in this passage of Lu, does not make it a “closed and secure communication network.” No matter how the network is modified, Lu still teaches that the “EPG server computer 304 locates via Internet 302 one or more personalized video recorders (e.g., 200A and/or 200B) situated within a broadcast region of the requested television show.” *See* Lu at column 6, lines 43-50.

Additionally, Figure 4 of Lu, the only other portion of Lu that the Office Action cites as support, “is a block diagram of another exemplary network used in accordance with one embodiment of the present invention for enabling personalized video recorders to receive specific television shows from remote locations.” *See* Lu at column 3, lines 5-8. Figure 4 specifically shows a plurality of components communicating through the Internet 302. *See id.* at Figure 4. There is nothing in Figure 4 of Lu that shows, describes, teaches or suggests, however, a “closed and secure communication network.”

The Office Action **does not explain** how the above portions of Lu – **the only portions of Lu that the Office Action relies on to support the rejection in relation to the limitations noted above** -- show, describe, teach or suggest a “closed and secure communication network.” Nor has the Office Action explained how Lu’s express teaching of arbitrary location via the Internet of a PVR within a broadcast region of a television show discloses a “closed and

communication network.” Indeed, the Applicants respectfully submit that **Lu’s express teaching of arbitrary location via the Internet expressly teaches away from a “closed and secure communication network.”** For at least these reasons, the Applicants respectfully request reconsideration of the rejection of claims 18-24 as being anticipated by Lu. Indeed, these claims are allowable over the cited art.

Additionally, claim 18 has been amended to recite “a user interface in the first home, the user interface supporting delivery of the media from the first storage in the first home to a second home; a television in the second home.” The Applicants respectfully submit that Lu does not describe, teach or suggest such limitations. The Applicants note that the claims of U.S. Application Nos. 10/667,866 and 10/675,084 (both of which were examined by the current Examiner) were amended in a similar fashion. The amendments in those two applications lead to allowances. Thus, for at least this additional reason, the Applicants respectfully request reconsideration of the rejection of claims 18-24 as being anticipated by Lu.

## **II. The Proposed Combination Of Lu And Needham Does Not Render Claims 1-17 Unpatentable**

The Applicants next turn to the rejection of claims 1-17 and 25-31 as being unpatentable over Lu in view of Billmaier. Claim 1 recites, in part, “a first storage in the first home that stores the media; the first storage supporting consumption of the media by the first television in the first home, and having a first network address **with respect to a first user in the first home**; ... a second storage supporting consumption of the media by the second television in the second home, and having a second network address **with respect to a second user in the second home**, wherein the second user is known to the first user; server software that maintains a user defined association of the first and second network addresses and that receives a request

**that identifies one of the associated first and second network addresses and responds by identifying the other of the associated first and second network addresses to support delivery ....** Claim 8 recites, in part, **“server software that maintains a user defined association of the first and second protocol addresses [with respect to first and second users who know one another] and that receives a request that identifies one of the associated first and second protocol addresses and responds by identifying the other of the associated first and second protocol addresses to support delivery ....”**

Lu does not describe, teach, or suggest, however, **“server software that maintains a user defined association of the first and second network addresses and that receives a request that identifies one of the associated first and second network addresses and responds by identifying the other of the associated first and second network addresses to support delivery,”** as recited in claim 1, for example. Instead, Lu merely discloses that a user of a PVR requests delivery of a specific television show, at which point a server computer **arbitrarily** locates another PVR in a particular broadcast area to record the show for the requesting PVR.

The Office Action cites Lu **only at column 6, lines 54-58** as disclosing **“server software... that maintains a user defined association of the first and second network addresses.”**

See May 7, 2008 Office Action at page 6. This portion of Lu states, however, the following:

Once the personalized video recorders (e.g., 200A and 200B) record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requesting personalized video recorder 200.

Lu at column 6, lines 54-58. This portion of Lu merely indicates that a recorder requests a show, and then the EPG **arbitrarily** finds another recorder in a broadcast area to record the show for the requesting recorder. This portion of Lu does not indicate that a user defines an association

between first and second network addresses (based on known identities of users), or that a server maintains that **user defined association**. In general, there is nothing in this cited portion, nor the remainder, of Lu that describes, teaches or suggests “server software that **maintains a user defined** association of the first and second network addresses [with respect to first and second users who know one another],” as recited in claim 1, or “server software that maintains a **user defined** association of the first and second protocol addresses [with respect to first and second users who know one another],” as recited in claim 8. The Applicants respectfully submit that the proposed combination of Lu and Needham does not describe, teach or suggest these limitations. Thus, for at least these reasons, the Applicants respectfully request reconsideration of the rejection of claims 1-17. .

A previous Office Action counters with the following:

Applicant argues that Lu does not describe, teach or suggest “server software that maintains a user defined association of the first and second network addresses...”. In response to applicant’s argument, **in Col 6 line 54-58 of Lu**, PVR 200A is used to record desired TV shows requested by user from PVR 200, and once PVR 200A record the TV show, PVR 200A transmits the TV show to the EGP server 304, which then transmits the TV show to the requested PVR 200; the association of PVR 200 and PVR 200A is made when PVR 200A is identified to record the user desired program, and the server must maintain the association of the network address of PVR 200 and 200A for media transfer. When the user requests a desired TV show, and the system is making the association of PVR 200 and PVR 200A based on user’s request, the association of PVR 200 and 200A is defined by the user.

See February 2, 2008 Office Action at page 3 (emphasis added). As detailed above, however, the Office Action cites **only** column 6, lines 54-58 of Lu to support the rejection. The Office Action offers additional conclusory statements that are **not** supported with any citations from Lu. As described in detail above, the portion of Lu relied on by the Office Action (*i.e.*, Lu at column 6,

lines 54-58) does not describe, teach or suggest “server software that **maintains a user defined association of the first and second network addresses [with respect to first and second users who know one another]**,” as recited in claim 1, or “server software that **maintains a user defined association of the first and second protocol addresses [with respect to first and second users who know one another]**,” as recited in claim 8. Again, Lu merely describes a system in which an out of area recorder requests a recording, at which point the EPG arbitrarily finds a recorder within that broadcast are to record the show for the requestor. Even if one assumes there is an “association” between the two recorders, such association is arbitrarily determined by the EPG, but is clearly not “user defined.” A user of the Lu system merely receives the show from the EPG via the Internet and has no idea where that show was recorded. Accordingly, Lu teaches away from the user defining an association between the user’s protocol address and that of the device where the show was recorded – it is simply not needed in the Lu system. Thus, for at least these reasons, the Applicants respectfully request reconsideration of the rejection of claims 1-17.

Additionally, the Office Action cites Lu **only at column 6, lines 45-50** as disclosing “respond[ing to a request that identifies one of the associated first and second network addresses] by identifying the other of the associated first and second network addresses” See May 7, 2008 Office Action at page 7. This portion of Lu states, however, the following:

Upon reception of the request from personalized video recorder 200, EPG server computer **locates** via Internet 302 one or more personalized video recorders (e.g., 200A and/or 200B) situated within a broadcast region of the requested television show.

See Lu at column 6, lines 45-50. The “request” mentioned in this passage is a “request [for] delivery of a specific television show that may not be available to him or her.” See *id.* at column



6, lines 43-45. In response to the request for delivery, Lu discloses that the EPG server “locates one or more personalized video recorders situated within a broadcast region of the requested television show.” Location of an arbitrary recorder within a particular broadcast region in response to a request for delivery of a particular television show is not a response to a request that identifies one of the associated first and second network addresses that “identif[ies] the other of the associated first and second network addresses to support delivery,” as recited in claim 1, for example. Indeed, the network addresses disclosed in Lu are not “associated” until the EPG server identifies a second PVR and associates the addresses. The user does not know any of the other network addresses, nor does the user know which of the other PVRs may be in the proper broadcast area to receive and forward the desired program. Therefore, the user has not associated another address with that of the user. Instead, the user merely requests a program, but does not know or care from where it is recorded. The second network address of the second identified PVR is not known before the EPG server finds it, and therefore cannot be associated with the first address **at the time the request is received by the server**. Thus, for at least these additional reasons, the Applicants respectfully request reconsideration of the rejection of claims 1-17.

Moreover, claim 1 has been amended to recite, in part, “a user interface displayed on the first television in the first home, the user interface supporting delivery of the media to a second home; a second television in the second home,” while claim 8 has been amended in a similar fashion. The Applicants respectfully submit that the proposed combination of references does not describe, teach or suggest such limitations. The Applicants note that the claims of U.S. Application Nos. 10/667,866 and 10/675,084 (both of which were examined by the current

Examiner) were amended in a similar fashion. The amendments in those two applications lead to allowances. Thus, for at least this additional reason, the Applicants respectfully request reconsideration of the rejection of claims 18-24 as being anticipated by Lu.

### **III. Claims 25-31 Are In Condition For Allowance**

Independent claim 25 recites, in part, “a user interface in a first home, the user interface supporting delivery of media from a first storage in the first home to a second home; ... software that maintains a user defined association of first and second network addresses with respect to first and second users, respectively, in the first and second homes, respectively, wherein the first and second users know one another, the software receives a request that identifies one of the associated first or second network addresses and responds by identifying the other of the associated first or second network addresses to support delivery via a communication network of media from the first storage in the first home to the television in the second home.” For at least the reasons discussed above with respect to claims 1-17, the Applicants respectfully request reconsideration of these claim rejections.

### **IV. Conclusion**

In general, the Office Action makes various statements regarding claims 1-31 and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. The Applicants expressly reserve the right, however, to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a future rejection or in an Examiner’s Answer to an Appeal Brief).

The Applicants respectfully request that the outstanding rejections be reconsidered and withdrawn. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney for Applicants.

The Commissioner is authorized to charge any necessary fees, including the \$120 fee for the one month extension of time in which to respond, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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